UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,448	07/18/2003	Tsutomu Ohishi	240473US2	1119

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EXAMINER
KAU, STEVEN Y

ART UNIT	PAPER NUMBER
2625	

NOTIFICATION DATE	DELIVERY MODE
09/18/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Advisory Action **Before the Filing of an Appeal Brief**	10/621,448	OHISHI ET AL.
	Examiner	Art Unit	
	STEVEN KAU	2625	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 August 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: *1,2,4-11,13 and 15-23*.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
    See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure* Statement(s). (PTO/SB/08) Paper No(s). _____.

13. ☐ Other: _____.

/King Y. Poon/
Supervisory Patent Examiner, Art Unit 2625

/Steven Kau/
Examiner, Art Unit 2625

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments presented in the Remarks of 8/25/2009 have been fully considered, and are not persuasive.

Applicant argues, "However, Iwata does not describe or suggest an application launch part configured to access launch selection information, the launch selection information indicating at least a location of an auxiliary storage device that stores one or more applications, and configured to launch the one or more applications from the auxiliary storage device according to the accessed launch selection information, as is recited in Claim 1."

"The outstanding Action asserts on page 4 that the 'agent' of Figures 44 and 47 of Iwata corresponds to the above noted 'application launch part' recited in Claim 1, Applicants respectfully traverse this assertion."

"Specifically, the 'agent' of Figures 44 and 47 merely enables the printer to download software from the server (asserted as corresponding to the auxiliary storage device). Nothing in Iwata describes or suggests launching the one or more applications from the auxiliary storage device according to the accessed launch selection information."

"In other words, in Iwata the 'printer software' is not launched from the server, instead it is merely sent from the server to the printer where the software is launched from a local storage."

"In addition, as is acknowledged on page 5, Iwata does not describe or suggest a part configured to display a setting screen that sets the launch selection information on a display part of the image forming apparatus, and configured to store information input from the setting screen as the launch selection information, the launch selection information indicating at least a location of an auxiliary storage device that stores one or more applications", Page 3, Remarks, 8/25/2009.

The examiner respectfully disagrees with the above statement. As discussed in the Office Action, Iwata discloses in detail about application launch part, i.e. the agent of printer module including Display Data Getting Part and LAN interface in Figures 44 & 47, and accessing launch selection information such as input setup information for adding a hardware module and downloading software of a printer from a server, col 2, lines 56-61, col 13, line 36 to col 14, line 16, and col 25, line 22 to col 26, line 26, so that a printer function can be "expanded or changed" col 26, lines 19-26. That is, printer software is launched, or more precisely, printer software is downloaded from a server to a printer and then installed to activate printer function to be "expanded or change". With regarding to "display a setting screen", Iwata discloses "Operation Panel" and "Display Means", and "Display Data Getting Means", etc., in Figures 44 and 47, and information selection in Figs. 42 and 43. For example, "display means accepts selection of the button, a request for transmitted the corresponding file is transmitted..."; that is, a user can select a file, or an application to transmit or to launch through the network. Iwata does not disclose in detail about "launch selection information indicating at least a location of an auxiliary storage device that stores one or more applications". However, Itoh teaches "launch selection information indicating at least a location of an auxiliary storage device that stores one or more applications", i.e. a screen indicating information can be selected and retrieved from one of plurality servers. Thus, by modifying Iwata's display with Itoh's technique to provide "at least a location of an auxiliary storage device that stores one or more application" would have been to improve Iwata's capability for information, or application selection and therefore, improve information accessibility.

The examiner believes that the Final rejection was proper and therefore, the rejection is maintained.
Independent claims 22 and 23 recite the similar features of Claim 1, and the rejection is maintained.
The rejections of dependent claims 2, 4-11, 13, and 15-21 are maintained due to their dependency to claims 1, and 22.

/Steven Kau/
Examiner, Art Unit 2625